



Private pain versus public shame: González Sinde's female lawyer in La suerte dormida/Sleeping Luck (2003)

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Published version

LOUIS, Anja (2018). Private pain versus public shame: González Sinde's female lawyer in La suerte dormida/Sleeping Luck (2003). *Law and Humanities*, 12 (1), 17-41.

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**‘Private Pain versus Public Shame:
González Sinde’s Female Lawyer in *La suerte dormida/Sleeping Luck* (2003)’**
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‘We have emotions only if we have concerns.’ (Carl Plantinga)¹

‘I think cinema always has a social function,
even when shooting *Batman V.*’ (González Sinde)²

Introduction

The opening scene of *La Suerte dormida/Sleeping Luck* (2003) is set at an opencast mine. It suggests a mundane and boring working day moving earth around. Close-ups of gravel are intertwined with medium shots of lorries carrying earth from one end to the other. None of this makes any sense yet. While the viewer³ contemplates how this will become important in the narrative, a plane is landing in the background. This provides another clue, situating the mine near Madrid’s Barajas airport. The doom-laden music helps create a mood of suspense. The camera fades to black at the precise moment when a lorry empties its load into an excavated hole. ‘Narration can mislead us’, and in order to do so, Bordwell states, ‘it has to rely on our making certain inferences about causality, ordering in time [...] restricting our knowledge [...], only to surprise us later when we get a fuller account of what happened.’⁴ Hitchcock favoured suspense over murder mysteries, precisely because in the former emotions are a vital factor and the viewer’s anxiety revolves around reaching the desired or feared outcome.⁵ Suspense is also a staple feature of law films in which a lawyer-cum-detective needs to unearth the truth in the name of justice. The filmmaker stimulates the viewer’s interest by generating curiosity, doubt and surprise. The appeal of the suspense genre rests on the viewer’s changing plot predictions: is a particular character guilty or innocent, right or wrong? Our prior knowledge of genre conventions allows us to suspect that the lawyer is right and the victim innocent, but we are never quite sure. The viewer keeps guessing, trying to be a better detective than the lawyer, only to find that the plot always turns yet another corner. The opaque title *Sleeping Luck* suggests how this film frames its narrative and legal debate as throughout the film the viewer wonders what the title might refer to, and by the end they are probably none the wiser.

This article examines a female lawyer whose personal tragedy encourages her to become a heroine lawyer for the socially disadvantaged. It explores a female filmmaker’s representation of a woman lawyer fighting for a lost cause and examines in what way public/private, law/justice, reason/emotion dichotomies are played out in her public performance and private life. Central to my discussion will be the significance of emotion in

¹ Carl Plantinga, *Moving Viewers: American Film and the Spectator’s Experience* (California UP 2009) 57.

² Jacqueline Cruz, ‘Interview with Ángeles González Sinde’, (Madrid, 2009) 161, <<http://gato-docs.its.txstate.edu/jcr:a83cea6a.../gonzalez%2520sinde.pdf>> accessed on 24 January 2018.

³ I use the terms ‘viewer’, ‘spectator’ and ‘audience’ interchangeably to refer to actual or hypothetical persons. For an exhaustive discussion on terminology, see Plantinga (n 1) 16-17.

⁴ David Bordwell, *Narration in the Fiction Film* (Wisconsin UP 1987) 15.

⁵ Alfred Hitchcock quoted in Plantinga (n 1) 22.

filmmaking, law and social justice. Narratives are ‘clearly designed to cue emotional, visceral, and cognitive experience’ [...] and are as such an ‘invitation to feel.’⁶ While issues of justice usually bring out raw emotions in viewers, the character engagement⁷ with the lawyer is a ‘vicarious wish fulfilment.’⁸ I use Carl Plantinga’s seminal work on the emotional experience of the spectator and his cognitive-perceptual account of the viewing process, and combine it with a fruitful discussion of the genre of female lawyer films, as theorised by Cynthia Lucia and Orit Kamir⁹ in two pioneering studies on female lawyers in American and international cinema, respectively. Both argue that the codes of law and film frame the female lawyer and thus attest to an existence of social anxieties of female independence, success and sexuality. Finally, my discussion will also draw on other feminist film theories and bereavement theories where relevant. This article, therefore, fills a significant critical gap in the field of Spanish law and film. Positioned at the intersection between law, film and emotion, it gives space to a productive cross-fertilisation of theories of spectatorship and the female lawyer film. It thus fulfils a dual purpose of contributing to both Hispanic Studies and the international body of law and culture. In the following introductory sections I will contextualise *Sleeping Luck* in order to offer the reader an understanding of the social relevance of the issues discussed in the film and to appreciate the filmic choices that underlie the construction of the narrative. After a brief outline of my conceptual framework, I give an overview of recent representations of women in Spanish film (2000-2007) and the history of Spanish female on-screen lawyers (1936-2010). Feminist issues in law films can be brought in at four levels: the narrative, the case in question, the public performance and the private life of the lawyer. Hence the second part of the article analyses the public performance of the female lawyer, while the third part examines her private life. These two lines of enquiry are an artificial split, of course.

Following Kamir and others¹⁰ there are three premises to my conceptual framework: film as law (both law and film are dominant players in the construction of subjectivity), film as judgment (film enacts viewer-engaging judgment) and film as jurisprudence (films elicit popular jurisprudence). For the purpose of this article the first two are particularly relevant. Kamir posits that a law film creates ‘law, by structuring society’s legal images, notions, perceptions [...] and modes of operation. It supplies the public with its version of [...] justice, judgment, equity, [...] legal professionalism [and] gender equality.’¹¹ Viewers learn what they think they know about law from popular culture, often without appreciating that they obtain popular-legal proficiency and are thus socialised through mediated knowledge. Films invite viewers to take on a socio-cultural persona and become part of an imagined judging community that shares the worldview constituted by law and film, ‘in which collective hopes,

⁶ Plantinga (n 1) 46.

⁷ I use the term ‘character engagement’ as defined by Plantinga, as ‘the mental responses viewers have in relation to film characters’, Plantinga (n1) 111. See also 103 where he explains that the usual term of ‘identification’ tends to suggest erroneously that a full identification with the characters – a ‘Vulcan mind meld’ – is possible.

⁸ See Plantinga (n 1) 47.

⁹ See Plantinga (n 1) 46; Cynthia Lucia, *Framing Female Lawyers: Women on Trial in Film* (Texas UP 2005); Orit Kamir, *Framed: Women in Law and Film* (Duke UP 2006).

¹⁰ David Black, *Law and Film: Resonance and Representation* (Illionois UP 1999). See also William MacNeil, *Lex Populi* (Stanford UP 2007).

¹¹ Kamir (n 9) xxi.

dreams, beliefs, anxieties are publicly portrayed and evaluated'.¹² Kamir's notion of 'film as judgment', in turn, refers to films that invite a judgmental viewing process, usually through viewer engagement with characters and the elicitation of emotional responses.¹³ Films mirror the fundamental values of justice in any given society and/or its crises: in our case the crisis is brought about by an accidental death at work. *Sleeping Luck* makes us reflect on workers' fundamental right to safe working conditions and its reckless disregard in a neoliberal world. The spectator sits in judgment of neoliberal practices, which are perceived to be entirely male-dominated. Both law and film construct truth, and in this case the discovery of the truth is three-fold: the facts of the health and safety case, the truth and evidence of the underlying corruption case, and the unravelling of the female lawyer's private truth. Female lawyer films represent cultural attitudes about women, patriarchy and the power of the law. Lucia, in her seminal work on 1980s American female lawyer films, argues that this genre provides excellent case studies for lawyers who, despite representing personifications of progress, are indicative of wider issues of patriarchal crisis. Women lawyers, she contends, often end up on trial themselves for violating norms of femininity and rebelling against patriarchal authority.¹⁴ They are often represented as professionally inadequate and personally unfulfilled.¹⁵ As epithets of powerful career women, their symbolic function goes beyond the realm of the law.

Representations of Women

Sleeping Luck needs to be considered against the background of conventional representations of women circulating in more general terms in Spanish culture to be able to fully appreciate the questions arising about women lawyers operating in a male domain of law. Fátima Arranz's quantitative study on filmic representations reminds us of some sobering statistics. Looking at films made between 2000 and 2007, only 7.3% were directed by women.¹⁶ Her comparative study of female and male directors analyses differences in leading roles, their narrative agency, screen time and relationship building. The results are as follows: there are 69% of female leads in female filmmakers' films as opposed to only 20% in male directors' films. Female roles with agency are portrayed in 92% of films made by female directors (as opposed to 41% of all films made by male directors). Similarly, female roles that take decisions in 'matters other than love' can be found in 14% of male and 77% female directors' films. Female roles that participate in conflict resolution are represented in 17% of male and 77% of female directors' films, while the relationship between father and daughter is depicted in 46% of female directors' films compared to 21% of male directors' films. Given that strong, independent and professional women are under-represented in the majority of male-directed films, it would suggest that Spanish cinema suffers a lack of filmic representations of strong women. Nor can Spanish female spectators take recourse to international role models, as a few international examples are equally sobering. In the USA women made up just 22%

¹² Ibid, 2-3.

¹³ Kamir (n 9) 3.

¹⁴ Lucia (n 9).

¹⁵ Ibid 68.

¹⁶ Fátima Arranz (ed), *Cine y género en España* (Cátedra 2010) 213. The sample consisted of 42 films which had more than one million spectators: 29 directed by male directors, 13 by female directors (with the latter the criteria had to be changed to more than 100,000 spectators, only the highly acclaimed film *Te doy mis ojos*/*Take my Eyes* on domestic violence reached more than one million spectators).

of all feature length film directors represented at 25 film festivals during the 2008–2009 season. In 2008 the percentage of women depicted on screen was significantly higher for films with at least one woman director (44.4%) than for those with only male directors (31.7%).¹⁷ In 2016 women only made up 7% of all directors working on the top 250 US films.¹⁸ In the UK a study by producer-writer Stephen Follows showed that there were only 5% female directors (of a sample of the 2000 highest grossing films for the period 1994–2003). More worryingly, in the three most significant creative roles there has been a slight fall over the period of 1994–2013 for the top 100 films.¹⁹

In contrast to this, 2003 was a very good year for Spanish female filmmakers²⁰ and *Sleeping Luck* a particularly interesting case study, since it is the team effort of three female film professionals: director Ángeles González Sinde, script writer Belén Gopegui and female lead Adriana Ozores. Ángeles González Sinde, best known as a scriptwriter and politician, obtained numerous nominations for prizes and won a Goya (the Spanish Oscar equivalent) for the best *opera prima*.²¹ Adriana Ozores was shortlisted for best female lead and Pepe Soriano (who plays her father) won the Cinema Writers' Circle Award for best male supporting actor.

Overview of Representations of Female Lawyers

Viewers with filmic knowledge will subconsciously relate earlier representations of female lawyers to *Sleeping Luck* in order to reflect on the protagonist's performance as lawyer, the social development of career women and a plethora of storylines. Women lawyers in films are often depicted as either openly feminist or helping the socially disadvantaged, so the character of the female lawyer has some kind of rationale, if we accept for a moment that women lawyers – with their female sense of justice and an ethic of care – tend to support what the world at large usually classifies as 'lost causes'.²² A quick overview reveals some interesting highlights. The first filmic female lawyer defending the socially disadvantaged is

¹⁷ Stacey L. Smith and Marc Choueiti, 'Gender Inequality in Cinematic Content? A Look at Females on Screen and behind-the-Camera in Top-grossing 2008 Films' (2013)

<www.annenberg.usc.edu/pages/~media/MDSCI/Gender%20Inequality%202008.ashx> accessed 24 January 2018.

¹⁸ Martha M. Lauzen 'The Celluloid Ceiling: Behind the Scenes Employment of Women in Top 250 Films', Center for the Study of Women in Television and Film, San Diego University, (2016)

<womenintvfilm.sdsu.edu/files/2013_Celluloid_Ceiling_Report.pdf> accessed 24 January 2018.

¹⁹ Stephen Follows, 'Gender in the Film Industry' (2014), 13, where he states that female writers dropped from 11% to 7%, female producers from 19% to 18%, and directors from 4% to 2%.

<stephenfollows.com/reports/Gender_in_the_Film_Industry_StephenFollows.pdf> accessed on 24 January 2018.

²⁰ In the category of drama there were highly acclaimed films such as Coixet's *Mi vida sin mí/Life without me*, Bollaín's *Te doy mis ojos/Take my Eyes*, and González Sinde's *La suerte dormida/Sleeping Luck*; in the category of documentaries Silvia Munt's *Gala* and Helena Taberna's *Extranjeras/Foreigners*; in the category of comedies Dunia Ayaso's and Felix Sabroso's *Descongelate/Chill out*; in the category of thrillers María Ripoll's *Utopía*, Laura Maná's *Palabras encadenadas/Chained Words* (out of a total of 68 Spanish feature films, giving female filmmakers a share of approximately 12%).

²¹ She was president of the *Spanish Academy of Arts and Cinematographic Sciences* (2006–2009) and Minister of Culture (2009–2011) during the Zapatero administration. As Minister she opposed person-to-person file sharing and pushed through a strict anti-piracy law (2011) which made her very unpopular with film viewers.

²² See also Ric Sheffield, 'On Film: A Social History of Women Lawyers in Popular Culture 1930–1990' (1993) 73 *Loyola of Los Angeles Entertainment Law Review*, 73, 77, where he argues that: 'consumers of American cinema quickly learned that women lawyers, while always young, naïve, and inexperienced, were committed to the high ideals of justice.'

Porfiria Sanchiz in Florian Rey's musical comedy *La morena clara* in 1936.²³ In the 1960s Francoist director Saénz de Heredia made two films about female lawyers (*Los derechos de la mujer/Women's Rights*, *Juicio de faldas/Skirts on Trial*), which mainly deal with issues of access to the profession and professionalism. In line with social reality noticeable shifts in the representation of female lawyers occur from the 1960s to 2000s. The archetypal hero lawyers in 1960s Hollywood can be found around twenty years later in Spain's transition from dictatorship to democracy. In the 'new frontier' of the Transition the democratization process rested very much on the shoulders of a new generation who were called upon to construct democracy. Paradigmatic female lawyers that are part of the collective memory include the divorce lawyer in the TV series *Anillos de oro/Wedding Rings* (1983) and the feminist lawyer in *Turno de oficio/Public Defender* (1986) as personifications of progress and agents of social change. Lola in *Anillos de oro/Wedding Rings* (1983) is a middle-aged career woman struggling with a work/life balance. The feminist issues revolve around domesticity and her capability as a divorce lawyer. By contrast Eva in *Turno de oficio/Public Defender* (1996) is young, single and politically motivated as a feminist and socialist, and therefore by definition uncomfortable for the old guard. From the mid-1990s onwards there is another shift represented by characters like Mapi, in the second series of *Turno de oficio/Public Defender*, a bossy corporate lawyer who happens to be a woman - the ugly capitalist face of lawyering has become feminine. However, there are also the defence lawyers in sexual harassment suits like *Subjúdice* (1998) or *Mónica* (2003). By the 2000s there is wide variety of female lawyer roles: the defence lawyer in a euthanasia case in *Mar adentro/The Sea Inside* (2004) and, most importantly, a range of female lawyers in TV series such as *La ley y la vida/Law and Life* (2001), *Al filo de la ley/The Edge of Law* (2005) and *Lex* (2008).²⁴

Social Background of the Case

When choosing a subject matter for a law film, health and safety cases are not the most obvious choice to achieve dramatic tension and political engagement. Equally, it is not the most obvious choice when choosing a legal matter for a female lawyer film. *Sleeping Luck* is of the 'based-on-a-true-story' variety of law films. In a case of social reality exceeding filmic representation scriptwriter Belén Gopegui and director González Sinde had to simplify the plot considerably. They were deeply moved by the background story:

What interested me most about the case was how my lawyer told me the story [...] his calm attitude towards something so painful and shocking. This acceptance that life is like that, but that nevertheless one should keep fighting. He had won, but had lost the possibility of doing justice. [...] And the film doesn't even tell half the story, because there was no space for such outrage, such blatant injustice, such abuse of power and such perversion of the course of justice [...].²⁵

²³ *La morena clara/The Light-Skinned Gypsy Woman* was premiered on 11 April 1936, during the short-lived Second Republic, just before the outbreak of the Civil War (1936-1939). It was one of the highest box office successes in Spanish film history.

²⁴ For more details, see Anja Louis, 'TV Law Shows in Spain', in Peter Robson and Jennifer Schulz (eds), *A Transnational Study of Law and Justice on TV* (Hart Publishing 2016).

²⁵ Cruz (n 2) 162.

In the real-life case the employment lawyer was a man, so the director made a conscious decision to change the gender of the lawyer. Health and safety cases are usually perceived as an uninteresting issue of employment law, and are hence an under-represented filmic genre. Although Spain is renowned for its *cine de denuncia social* (cinema of social criticism), Spanish film scholar José Enrique Monterde traces only three main representations of the world of work in his 2001 study: industrial action, unemployment and emigration. He considers the lack of ‘filmic representations of employment conditions one of the major deficits of our cinema.’²⁶ The one notable exception is the topic of mining. *Sleeping Luck* then is a combination of two things: depiction of the mining industry and the most extreme of Health and Safety cases, an accidental work-related death. The latter is a major concern in a neoliberal world, and this film is an excellent case study of its worst characteristics: casualisation, outsourcing, unemployment, work-related accidents, serious disrespect for workers’ rights and the vital ingredient to make it all work: corruption. Unsafe work conditions can often lead to accidental deaths in the workplace, thus inviting us to look for socio-political causes. Menéndez Navarro therefore considers *Sleeping Luck* an important example of the law film genre, partly for its social criticism and partly for its educational value.²⁷

The director and scriptwriter interviewed officials at *Comisiones Obreras* (Workers’ Commissions), Spain’s largest trade union, to understand neoliberal reality. Research showed that there is a direct correlation between high unemployment rates, casualisation and accidental deaths in the work place.²⁸ Comprehensive health and safety laws are relatively recent in Spanish legal history, because Spain remained a dictatorship until 1975. The current *Ley de Prevención de Riesgos Laborales*, 8 November 1995)²⁹ was the first law to be passed by a democratic Spanish government in line with EU health and safety regulations. It was passed some 10 years after the *Estatuto de los Trabajadores*, 32/1984 (*Statute of Workers’ Rights*) which liberalised the job market from permanent contracts to more temporary ones. The global economic crisis of 1991-1994 hit Spain particularly hard, which is when casualisation first came into practice most brutally. As a result the percentage of temporary contracts has become 3 times higher than the EU average and Spain has one of the highest death rates in the EU15.³⁰ Public awareness about Health and Safety has been raised

²⁶ José Enrique Monterde, ‘¿España va bien? La temática sociolaboral en el cine español’ (2001) 43 *Sociología del Trabajo*, 119. More recently, however, there have also been films representing corporate cultures, for example: Roger Gual’s and Julio Wallovits’ *Smoking Rooms* (2002), Marcelo Piñeyro’s *El método* (2005), and Max Lemcke’s *Casual Day* (2007).

²⁷ Alfredo Menéndez Navarro, ‘Reflexiones en torno a la mirada del cine sobre la salud laboral’ (2008) 20 *La Mutua*, 41. See also Antonio Fabregat Pitarch and Isabel Gallardo Fernández, ‘Estrategias para trabajar la formación y orientación laboral desde una educación inclusiva’, *Estrategias Didácticas Inclusivas* 71 (2012), where they point out that *La suerte dormida/Sleeping Luck* is used as a teaching film for law students.

²⁸ Fernando Rodrigo, and others, ‘Trabajo temporal y siniestralidad laboral en España en el periodo 1988 – 1995’, (1997) 11 *Cuadernos de Relaciones Laborales* 275.

²⁹ ‘LEY 31/1995, de 8 de noviembre, de Prevención de Riesgos Laborales’. *Boletín Oficial del Estado* 269, 1011-1995 (‘Law 31/1995, 8 November, Work Risk Prevention’. *Official State Gazette* 269, 1011-1995).

³⁰ According to Eurostat the standardised rate of fatal injury is 1.55 per 100,000 employees (2013). This compares unfavourably to other large economies such as the UK (0.51), Germany (0.81) and Italy (1.24). The notable exception is France with almost double the fatal accidents (2.94). Standardised rates are based on fatalities occurring across 12 sectors, including agriculture, manufacturing, and construction. (Eurostat, ESAW, 2013).

continuously in the main daily broadsheets such as *El País* and *El Mundo*,³¹ as well as through the 2010 European Working Conditions Survey (EWCS), in which 33% of respondents from Spain believe that ‘their health and safety is at risk because of their job’.³² In construction work (similar manual labour to opencast mining) the percentage of temporary contracts is as high as 65%.³³ This lack of job security reinforces discrimination and workers’ behaviour is characterised by fear and neglect of their own rights, a reality that is highlighted in the film.

Sleeping Luck as Female Lawyer Film

Sleeping Luck has three storylines: the main plot of the accidental death at work, the uncovering of corruption and the lawyer’s private issues. In few other female lawyer films has the dual focus between the public and private persona of the lawyer been so extensively and psychologically intertwined. Amparo Vega (Adriana Ozores) becomes entrapped by the ideological binaries so common to female lawyer films and to law itself – public/private, reason/emotion, law/justice – denying her a position from which to exercise complete narrative agency. Lucia argues that:

A point of narrative instability arises when the text must, in effect, “turn against” the female lawyer [...] in order to position her as a threatening or ineffective figure, if only to neutralise the threat she poses in the end. The narrative point at which this reversal occurs is often obscured by layers of subtle contradiction, as are the exact motives driving such a textual transition.³⁴

In the following section I will offer a close reading³⁵ of the film along three lines of enquiry: the narrative, the viewing process and character engagement (with particular reference to the female lawyer’s public performance and private life). Given that ‘emotions are a process; they change and flow over time’,³⁶ I will structure my analysis through the filmic narrative and paradigm scenarios to show the emotional viewing process. Plantinga’s work on emotions and film is a useful tool when examining law films in order to analyse the relationship between emotions, justice and political engagement, ultimately leading to social change. The viewers’ thirst for justice, their concerns and underlying anxiety partly stems from character engagement, and partly from the way the narrative unfolds in order to maintain suspense and arouse our emotions. His cognitive-perceptual theory suggests that the kind of emotion³⁷ we attach to a certain event does not depend on its nature but the appraisal

³¹ *El País* and *El Mundo* are the main centre-left and centre-right dailies, respectively. A full content analysis of the media representation of health and safety cases is beyond the scope of this study. A cursory search in both newspaper archives, however, suggests an average of 50 articles per newspaper per month.

³² This compares to France (25%), Germany (19%), Italy (18%), UK (18%). The EU-27 rate is 24%. Differences might be due to structural differences in employment, legislation and preventive measures as well as awareness. For further details, see the website of the Health and Safety Executive, < <http://www.hse.gov.uk/statistics/european/>>, accessed on 25 January 2018.

³³ In 2004 the trade union *Comisiones Obreras* estimated that Spanish businesses lost €12 million from accidents at work. See Angel Martín Román. ‘Siniestralidad laboral y ciclo económico: ¿Una relación meramente estadística o un fenómeno real?’ (2006) 61 *Revista del Ministerio de Trabajo e Inmigración* 157.

³⁴ Lucia (n 9) 27.

³⁵ ‘Close reading’ is a deconstruction of a (filmic) text to analyse the ways meaning is created.

³⁶ Plantinga (n 1) 80.

³⁷ See Plantinga (n 1) 54, where he defines emotion as ‘an intentional mental state accompanied by various feelings, physiological arousal and action tendencies.’

of the perceiver, which in turn is influenced by cultural contexts and social conventions.³⁸ His key concept of ‘concern-based construals’ refers to ‘transient disturbances, initiated by the subject’s construal or appraisal of a disruptive situation that relates to the subject’s concerns’.³⁹ The concern arises from the gap between the desired goals for characters and the actual outcome – in the space of a film a constant ebb and flow of emotions, or in our case study more of a rollercoaster. The elicitation of emotions in both film and real life depend on paradigm scenarios, i.e. types and sequences of events that are associated with certain emotions. The psychologist Ronald de Sousa explains that:

Our emotions are learned rather like a language and they have an essentially dramatic structure. [...] Small children learn to identify emotions through paradigm scenarios they see acted out in their lives. [...] Stories, art and culture continue to teach us about emotions later in life.⁴⁰

Similarly, film scholar Noël Carroll points out that:

There will be many sources from which we derive these paradigm scenarios: observation and memory; [...] stories told us by friends and school teachers; [...] newspaper articles, TV shows, novels, plays, films and so on. These scenarios may influence our emotional behavior.⁴¹

As in any law film the paradigm scenarios revolve around the courtroom scenes, conversations with clients and witnesses, and evidence gathering. An integral part of this is Amparo’s performance as a lawyer, her professionalism, courage and fighting spirit.

Plantinga distinguishes between global (anticipation, suspense and curiosity) and local (surprise, disgust and excitement) emotions. The former typically span significant portions of the movie, while the latter are brief in duration.⁴² The complicated plot, with its numerous strands of immoral activities, keeps our global emotions running overtime throughout *Sleeping Luck*. Intense yet brief paradigm scenarios also give rise to local emotions of disgust, anger and contempt intertwined with relief and sympathy. What then are the prevalent emotions in *Sleeping Luck*? First and foremost the viewing process elicits sympathetic and vicarious grief for the deceased’s parents combined with disgust at the reckless disregard of Health and Safety norms of the mining company, anger and contempt for corporate greed facilitated by slick lawyers, and a moral fervour for justice when identifying with Amparo.

Disgust can have a powerful role in law and is an indication of moral matters which are not subject to compromise. In legal history it has been used as guidance as to what acts a society

³⁸ Ibid, 55. See also 62, where he explains that ‘art emotions’ are similar to extra-filmic lives, so the emotional responses provoked by fiction are similar to emotions in real life.

³⁹ Ibid, 34.

⁴⁰ Ronald de Sousa quoted in Plantinga (n1) 80-81. See also on p.34 Plantinga’s apposite observation that the language psychologists use to describe emotions is similar to that of screenwriters.

⁴¹ Noël Carroll, ‘The Image of Women in Film: A Defense of a Paradigm Author(s)’ (1990) 48.4 *The Journal of Aesthetics and Art Criticism*, 349, 356.

⁴² Plantinga (n 1) 69.

criminalises.⁴³ The conservative jurist Lord Devlin famously maintained that social disgust is an indicator of public morality and thus was a sufficient argument to prohibit, for example, homosexual acts.⁴⁴ In contrast, liberal legal scholar Ronald Dworkin shows the potential danger of the concept of public morality in Devlin's writing and searches for alternative ways of arriving at a moral position for the law-making process. He argues most persuasively that moral positions are distinct from emotional reactions, not because moral positions are supposed to be dispassionate, but because the moral position is supposed to justify the emotional reaction – not vice versa.⁴⁵ What is interesting here for the analysis of *Sleeping Luck* is that the emotional reaction is triggered by our pre-determined moral position. The viewer is likely to be disgusted by the glaring injustices depicted in the film. Immoral and criminal behaviour is represented in an attempt to raise consciousness and thus film functions as a tool for social change. To be precise, the moral position of the spectator does not refer to the law-making process, but to the meaning-making of the judgmental viewing process. González Sinde allows the viewer to judge stories in their contextual particularity, showing causes and consequences of neoliberalism. An ethic of care so strongly promoted by filmmaker and scriptwriter is matched by equal care on the part of the viewer. In an interview the socialist novelist and scriptwriter Belén Gopegui enlightens us that 'revolutionary characters' like Amparo usually represent a pessimistic worldview. In contrast, what Gopegui and González Sinde depict in *Sleeping Luck* is a positive representation of a single female lawyer who takes on patriarchal capitalism.⁴⁶

The question of the emotional power of popular culture is particularly interesting in the realm of feminism. Excessive emotion is often used as a distinguishing factor between high and low culture, the latter being decried for its appeal to cheap emotionalism, seen as the response of those who are not capable of a detached reading. Jane Shattuc suggests that this position should be taken to task:

We need to look to how 'the intellectual feminine voice' has served to undercut the political power of texts that invoke the pleasure of tears and political change, rather than the policing effect of intellectual distance. [...] We need to begin to rewrite the terms of the debate where emotion can be reasoned and tears mean active involvement, not disregarded as trite responses.⁴⁷

González Sinde positions herself in the middlebrow, a median position between Hollywood-style emotional entertainment and detached art cinema, the latter requiring more cognitive decoding.⁴⁸ She subscribes to Shattuc's best-of-both-worlds approach: intellectual distance that is capable of formulating a moral position as well as active involvement in terms of emotional responses. *Sleeping Luck* certainly exercises the viewer's brain, demanding an active engagement in the viewing process. We derive pleasure from sleuthing and lawyering,

⁴³ Martha Nussbaum, 'Secret Sewers of Vice: Disgust, Bodies, and the Law' in Susan Bandes (ed), *The Passions of Law* (NYU Press 2001), 20.

⁴⁴ Patrick Devlin, *The Enforcement of Morals* (Oxford UP 1965).

⁴⁵ Ronald Dworkin, *Taking Rights Seriously* (Duckworth 1977).

⁴⁶ Commentary by Belén Gopegui on the DVD of *La Suerte dormida/Sleeping Luck* (Manga Films 2003).

⁴⁷ Jane Shattuc, 'Having a Good Cry over *The Color Purple*', in Jacky Bratton, and others, (eds) (1994) *Melodrama: Stage, Picture, Screen*, (BFI Publishing 1994) 147.

⁴⁸ Cruz (n 2) 161.

from discovering new information, and above all, from our character engagement with the female lawyer.

In art cinema the protagonist often undergoes an existential crisis that leaves them as an anti-hero in conflict with themselves and in that sense Amparo is a reluctant heroine lawyer. The tale is partly one of redemption reminiscent of the lone hero in a Western as staunch advocate of justice. 'Their descendants', Kamir argues, 'the classic cinematic hero-lawyers [...] embody the fusion of law and justice, intuitively recognized even by audiences who are no longer acquainted with Westerns.' He possesses:

supreme fighting skills, [...] is a protector of the weak and enemy of the abusive and cruel, a man who will always stand up for truth, justice and decency [...] he is slightly aloof, and reluctant to participate in social interactions, as well as conflicts. When convinced that action must be taken, however, he always comes through.⁴⁹

This description of a male hero fits Amparo almost perfectly; she adopts a masculine subject position for part of the film. This position of an active female heroine might be novel to the general Spanish audience, while the well-versed spectator of law films and shows will have come across masculinised female lawyers before. Linda Williams argues that women operating within the overarching male-dominated culture often develop a double-voiced discourse and this in turn corresponds to the internalised masculine position that many female spectators assume.⁵⁰ Feminist film theory's assumption of two viewing positions for women – the masochist and the transvestite⁵¹ – fortunately does not apply to this female lawyer film. Female viewers neither have to identify with a passive female character nor cross-dress to identify with the active hero.

Amparo's self-inflicted demotion to paralegal at the outset also makes her a 'fallen lawyer', reminding the viewer of anti-heroes such as Frank Galvin in *The Verdict*. Their world has fallen apart – in both cases for reasons unspecified at the beginning of the films. Amparo is an outsider, keeps herself to herself, does not seem to have a community of friends or family and goes horse riding to find peace in a natural setting. She is portrayed as a temperamental single woman with anger management issues and hence it is hard to empathise with her. Independent films, unlike their Hollywood counterparts, value emotional distance and deliberately elicit ambivalent emotions throughout. As a woman who is neither married nor has children she reminds us of the film noir woman who poses a threat to patriarchy, encouraging some viewers to take up a defensive viewing position. The wish for resolution of this ambiguity results in feelings of anxiety until the end of the film.

She works in a *gestoría*⁵² and seems bored with her daily life, when a fatal accident in a mine abruptly disturbs her empty tranquillity. The victim, Paco, is the son of the riding school's foreman Floro. There is a moving scene at the beginning when Floro and Amparo hug united

⁴⁹ Orit Kamir 'Legal Outsiders in American Film: Michael Clayton, Hollywood's Contemporary Hero-Lawyer' (2008-2009) 42 *Suffolk University Law Review*, 4.

⁵⁰ Linda Williams 'A Jury of Their Peers' in Diane Carson, and others (eds), *Multiple Voices in Feminist Film Criticism* (Minnesota UP 1994), 433.

⁵¹ Tania Modleski, *The Women who Knew too Much: Hitchcock and Feminist Theory* (Routledge, 1989), 25-27

⁵² A *gestoría* is an agency that undertakes administrative work and gives legal advice to small companies.

in grief: the camera lingers in a close-up of Floro's face of shocked disbelief before it shows Amparo's face of sympathetic grief and human empathy in a reverse shot. Here the viewer gets a first suspicion that grief might frame the emotional journey of the film. We are also immediately emotionally hooked, sympathising with Floro, a kind-hearted, simple soul who deserves our support. Amparo is reluctantly drawn into the case after an initial meeting with the mining company Chacon SA. The company director and his lawyer underestimate Amparo's legal expertise and are not particularly worried when she recommends the parents withdraw from the meeting when pressurised into signing the statutory death-in-service payment. Their feeling of power over casualised workers, who have no understanding of their rights and, more importantly, are too frightened to claim them, is overwhelming.⁵³ This paradigm scenario of the helpless victims and the heroine lawyer – the socially disadvantaged who have no access to lawyers – engages the viewer with the issue of injustice rather than the character of Amparo in the first part of the film. Amparo's sense of justice slowly awakens as a result of this initial meeting, her construal of the situation is one of immediate danger of injustice for Floro and his wife. Emotionally drawn in through this 'concern-based construal',⁵⁴ she uses an old friend and contact in the Prosecutor's Office to look at Paco's case file. Disgusted by her findings, the aptly named Amparo⁵⁵ decides to protect her friends against the almighty corporate world of mining companies. González Sinde seems to refer implicitly to the *recurso de amparo* (writ of protection), a safeguard of the fundamental rights of citizens through the so-called appeal for (constitutional) protection. First introduced in the 1931 Spanish Constitution during the short-lived Second Republic, it was re-introduced in the 1978 Constitution and constitutes the right of appeal in extraordinary procedures for the protection of fundamental rights and civil liberties (*Spanish Constitution*, Section 1, Chapter II, Title 1 to protect rights recognized in Articles 14 to 29).⁵⁶ In short, it gives any natural or legal person the right of appeal to the Constitutional Court. The parents of the deceased are not aware of their rights or access to the legal system and thus Amparo can be read as the filmic personification of the writ of protection.

Despite her lack of expertise in health and safety, and not having practiced law for three years, she takes on the case. It is in a conversation with her father (Pepe Soriano) that we first learn there is something legally and morally suspicious. The company makes Paco responsible for his careless behaviour in the rain. The viewer's emotions are now beginning to move into anger, particularly because Amparo angrily snaps at her father: 'But do you think that rain can kill?' The spectator's emotion here mimics the protagonist's. Anger is one of the prevalent emotions throughout the film, an emotion that is interestingly gendered. Women are usually socialised into denying feelings of anger, while men can more easily display theirs.⁵⁷ However, fighting for justice is one of the few acceptable motives for female anger. At the beginning of the film the (female) viewer finds it difficult to empathise with Amparo, because we react against her anger and bitterness. As her anger is now aimed at a just cause, we find it easier to engage with her and her fight. Spurred into action by the best of a lawyer's motivation (a sense of justice), driven by anger, and an ethic of care, the lone,

⁵³ Under article 28 of the 'LEY 31/1995, de 8 de noviembre, de Prevención de Riesgos Laborales' temporary workers have the same rights to a safe work environment as employees on a permanent contract.

⁵⁴ Plantinga (n 1) 56.

⁵⁵ Amparo means protection.

⁵⁶ Charlotte Villiers, *The Spanish Legal Tradition* (Ashgate, 1999) 58, also 26. See also Elena Merino Blanco, *The Spanish Legal System* (Sweet & Maxwell 1996) 101-102. In the 1978 Spanish Constitution this was modelled on the German Basic Law's (1949) procedure of *Verfassungsbeschwerde* (constitutional appeal).

⁵⁷ Plantinga (n 1) 56ff

reluctant heroine lawyer now draws on a web of relationships. Women are consistently defined in terms of their relationships to men and this female lawyer film is no exception. She sets up a make-do legal practice in her retired father's living room, recruits him as her PA and even relies on him to do all the housework. As a non-specialist in Health and Safety she also enlists a mining student as her *perito* (expert) for her detective work. In fact, her technical knowledge is so rudimentary that she does not even know what a bulldozer looks like – a detail that will become relevant when establishing responsibility and accountability. She thus fits neatly into Lucia's category of filmic female lawyers who are 'professionally inadequate.'⁵⁸

During the first (clandestine) inspection at the fence of the mine, Agustín (Félix Gómez), the mining expert, detects quite a few Health and Safety breaches. According to mining regulations the surface of the grid should not be more than 100 sqm (but it is), the excavation should be done at not more than a 30 degree incline (in this case the inclines are more than 45 degrees and hence dangerous for workers) and most importantly, unloading onto the grid should be done by bulldozers rather than lorries. In short, the breaches of Health and Safety regulations are so blatantly obvious that even a student can make a case for the defence. Here the viewer remembers the opening scene and now starts making sense of the narrative. We intuitively suspect it might be a *prima facie* case, but seeing is not necessarily believing. The viewing process remains confused, the layperson's lack of legal knowledge does not allow them to fully understand the significance of the findings. What is more, the company alleges that Paco is guilty of contributory negligence by having accepted another job that made him work overtime and hence tired him out too much. Having more than one casualised job is a neoliberal reality and, more importantly, irrelevant for a company's responsibility under article 21 of the Health and Safety regulations (1995) in situations of 'serious and imminent danger'. This might be lost on the viewer until Amparo angrily reprimands the parents for believing this particular legalistic red herring. Nevertheless, the construal-concern gap between the viewers' interpretation of the situation and their wish for justice is wide. The viewer's position is ambivalent, we suspect Paco is innocent, but there is no easy identification of good versus evil.

Amparo has to untangle the complex circumstances of this case and create plausible narratives based on processes of interrogation and detection to establish cause and effect. Her performance as a lawyer is faultless: she works long hours and is determined to get to the bottom of the case. Staple scenes in her father's living room and the law library show her surrounded by law commentaries and legal codes. In the name of justice she also happily bends the rules: she repeatedly shirks her day job to do her detective work and uses her contacts in the court to consult their files of the case. Although the boundaries between the public and private get blurred (her father works for her; the mining expert initiates a fling with her; former colleagues support her throughout the case, sometimes with underhand activities), the viewer not only forgives her for her minor misconduct, they also impatiently expect her to get some results.

⁵⁸ Lucia (n 9) 68

After gathering photographic evidence of the Health and Safety breaches at the mine her next line of enquiry are witness statements. Pestering workers on their way home, she assures them that they would have legal protection if they testified against their employers, but alas to little avail. She finally manages to speak to one of Paco's childhood friends and co-workers at the mine, Genaro, who unequivocally tells her that the accident was foreseeable: 'You could see it coming. Things at the mine are done poorly', giving her a wealth of evidence. Genaro considered the work too dangerous and therefore told his foreman to give him different work, even if it paid less, indirectly putting Paco in the driver's seat. In the gathering of evidence Amparo displays a combination of aggressive bullying and gentle persuasion. When Genaro hesitates to go on the record – his behaviour being characterised by fear and neglect of workers' rights – she first tries to bully him into it but then uses subtler techniques of persuasion by appealing to his conscience. She shows him photos of the deceased who died five hours after the accident due to hypothermia, so even after the accident Paco's death could have been avoided. The company's reckless lack of safety procedures means a worker's absence remained unnoticed *after* the accident had taken place. Displaying the conscience that the company lacks, Genaro then feels indirectly responsible for the accident: should he have spoken up earlier, should he have been around when Paco was lying in the ditch slowly dying of hypothermia?

Our emotions towards Genaro are a mixture of compassion and anger. As a passive bystander he is complicit in the cover-up. Under article 29 of the Health and Safety Law (31/1995) he has the obligation to look after his own safety and that of his co-workers, and above all, immediately report any safety risks to his line manager. Genaro is a complicit bystander and a witness for the plaintiff's lawyer; through him these two perspectives converge and extend metaphorically to the viewer. Through newspaper reports the contemporary viewer will be aware of the correlation between casualisation and accidental deaths in the work place. Our compassion for Genaro (his obvious guilt when he repeatedly breaks down crying) is combined with our anger and judgment that he could have saved his friend. To Amparo's and the viewer's relief he finally agrees to testify against his employers. The perceived gap between not having enough evidence and being able to take the company to court has just been narrowed and the likelihood of justice being served has increased.

*First Preliminary Hearing*⁵⁹

Denying Amparo a position from which to exercise unmitigated narrative agency is obvious in the first preliminary hearing in the judge's chamber. Right from the start this is communicated through low-angle shots of the courthouse as little Amparo walks up the stairs to start her legal battle. Psychological mind games are played in the court's corridors when Amparo faces the opposing lawyer. By the time she arrives she appears drained, defeated, and depressed which is juxtaposed with the slick, self-assured, upper class lawyer Juan Luis Gómez Hormaeche (Joaquín Clement). A staple scene in the ladies' toilet follows with a close-up of Amparo staring into the mirror, her face full of self-doubt, preparing herself mentally for what is to follow in the judge's chamber, wondering whether she is up to the job.

⁵⁹ For details about Labour Law processes, see Villiers (n 56).

Within the court settings, the lawyer must create a master narrative composed of stories told by defendant and witnesses. The first preliminary hearing is a masterpiece of the witnesses' competing testimonies, dizzyingly portrayed through fast cutting and edited in a way that means the film viewer is asked to judge the truth of the testimonies. 'And in so doing, the jury/viewer ratifies the legitimacy of the storytelling process in the context of the law.'⁶⁰ We sense that Genaro is telling the truth about reckless Health and Safety breaches, while his co-workers become frightened storytellers, neglecting their own rights and denying justice for the deceased. When Amparo expresses her – by now recurrent – anger and frustration, her father is yet again the voice of reason and moral authority:

Father: Can you get them new jobs?

Amparo: No, all I can get them is the sack.

The gap between construal and concern widens yet again, not only because of our construal of the false testimonies, but also because of our construal of corporate lawyers. We feel powerless against the corporate might, particularly powerful in the 'wild west' of casualisation. This scene frames the power relations of the two lawyers. He is the slick corporate lawyer, whereas she *plays* at being a lawyer, and lacks evidence, expertise and performance skills. She is, in short, professionally inadequate. Law films often portray Manichean worldviews and thus binary oppositions of good and bad lawyers pitted against each other. In films of political protest the conflict of good and evil as opposites not subject to compromise is politically crucial and becomes a useful means of easy recognition: the viewer can take a side and accept its credo. Ethical conditions are made manifest and operative through bipolarisation. The celebration of right and condemnation of wrong, the binary constructions of virtue/villainy, justice/law and woman/man in its either/or exclusivity are intrinsic to the moral Manichaeism of law films as well as to law. Immoral lawyers abuse the law to their advantage and seek victory for their clients by hiding the truth even if an innocent person dies. Law is the absence of justice for Gómez Hormaeche, a specialist in mining law. He is the company's 'fixer', the lawyer who is called in to sort out its wrongdoings and make sure the case does not go to court. His approach is practical and comprises a whole array of unscrupulous tactics including falsification of evidence; intimidation of Amparo by getting her sacked from the *gestoría* and thus denying her her only income; buying off her mining expert in exchange for a job for his unemployed father – this is corporate bullying at its most effective and represents a world in which business trumps respect for human life. Amparo is not only pitted against this most self-serving of lawyers, she also has to battle against an unholy alliance of corruption – in true neoliberal fashion the mining company splits into various subsidiaries and uses casualised contract workers, making the trail of evidence even more confusing. She seems to be the heroine lawyer in Hollywood's classic Western tradition. The lone embodiment of natural law and justice, she takes on the vicious gang single-handedly, with no help from anybody else (or so it seems). Lucia suggests that although in many female lawyer films the female lawyer is rendered powerless 'as a result of her attempt to wield the power of law, it is possible to

⁶⁰ Lucia (n 9) 181.

understand [her] journey as ultimately empowering, given the point of crisis she appears to have reached both personally and professionally.’⁶¹ These contradictions condemn patriarchy, of course, rather than the female lawyer.

Corruption

Amparo stirs up a hornet’s nest and what starts as a Health and Safety case turns into corruption in Madrid’s corporate world. The web of corruption is intriguingly complicated and drives the narrative in the second part of the film. This paradigm scenario makes the viewer feel powerless as the gap between construal and concern widens even more. Spectators experience frustration from lack of fulfilment of their desire, experienced as frustration with law itself.⁶² They are wrong, of course, for it is not the law that is at fault. It is the lack of law enforcement due to corruption in the Mining Ministry. The law functions as a hegemonic power of the ruling classes not because there is something intrinsically wrong with the health and safety regulations, but because they are not followed and the law is not upheld. Temporarily beaten by the system, Amparo is despairing by now (Genaro’s testimony was rendered inadequate because there were too many counter-testimonies and the filmic evidence of the mine was destroyed by the expert). The concern-inducing gap is at its widest here: the distance between the likelihood of justice being served (the ultimate desire of the viewer) and the status quo of corporate corruption. This concern results in our disgust and feelings of powerlessness. Amparo now relies on another whistle blower and a lucky coincidence. The second whistle blower is the Health and Safety inspector at the Mining Ministry. Again, Amparo first attempts aggressively to demand the Mining Inspector’s cooperation in the name of justice. After all, she was responsible for falsifying the Health and Safety reports, thus indirectly responsible for the accident. Amparo visits Inspector Castilla – the potential whistle blower – at home, blurring the private and the public, to appeal to her decency by admitting that she’s her last resort. She goes from forceful demands to gentle persuasion. After lengthy denials Castilla finally and reluctantly re-discovers her sense of justice.⁶³ Her advice (‘look for a father and a son. A very powerful father who protects his son’) eventually leads Amparo to discover evidence implicating the director of the mining company and his father, director in the Mining Ministry, in serious corruption. The crux of the matter is not the Health and Safety case, which is only a sideshow or an unfortunate incidence. If, however, the mine gets shut down as a result of it, they cannot sell the land to the developers of a new runway at Madrid’s Barajas airport. The mine is worth millions because of its location, but it needs to stay open to be valuable to its owners. Finally we have gone full circle with the opening scene of the film, we can make sense of it now and feel a sense of admiration for Amparo’s abilities and relief that justice might still be done. However, Castilla will not go on the record. Amparo loses hope, the viewer’s emotions are going down the rollercoaster again and the case seems lost, when her former boss supplies the

⁶¹ Lucia (n 9) 192.

⁶² Plantinga (n 1) 94.

⁶³ To date only Luxemburg, Romania, Slovenia and the United Kingdom have whistle blower laws. In Spain it does exist in the private sector, where since 2012 PLCs are obliged to offer an anonymised system to denounce corruption. For further details, see Madrid-based online journal bez.es at <www.bez.es/121730192/Espana-olvida-proteger-a-los-funcionarios-que-denuncian-la-corrupcion.html> accessed 24 January 2018.

vital documentary evidence to prove breaches of Health and Safety regulations which is what finally convinces the opposition's lawyers to settle out of court.

Second Preliminary Hearing

Armed with the newly acquired evidence Amparo can prove that the accident would have been avoidable had regulations been followed. In the performance of her life she aggressively fires questions at Señor Medina, the director of the mining company, culminating in the following:

Isn't it because your father, Leonardo Medina, the director of the Mining Service, was protecting you? And isn't that why every time Inspector Castilla visited the mine she never wrote a report about the lack of Health and Safety measures, even though she verbally reprimanded you at every inspection?

While Señor Medina nervously stares at the ground, the silence of the corporate lawyer is deafening. The viewer is delighted by Amparo's star performance and hopes that justice will now be done. Her success is unlikely, the odds are against her, yet we expect the lone heroine to win against the establishment in filmic justice terms. Alas, there is no Hollywood ending. The ending is a toned-down realistic compromise of an out-of-court settlement of €150,000. Amparo would love to take the company to court ('I'm going to put them in the dock' she proudly states), but her clients Rosa and Floro want to move on and accept the settlement payment. The viewers are deprived of the psychic reward of a victory in court in which they would have hoped to give the establishment a bloody nose.

Amparo's Private Life

Lucia suggests that female lawyer films often represent women who are professionally inadequate and personally unfulfilled.⁶⁴ Amparo certainly appears not only unfulfilled but also harsh and bitter. While the perceptive viewer might recognise this as vulnerability, we do not appreciate – or guess – the root cause. The two narrative strands come together through the issues of bereavement, guilt and legal responsibilities. The film moves between subplots that intertwine and influence each other, sometimes from scene to scene, sometimes within scenes. This confusing editing, the constant allusions to Amparo's past private life are lost on first viewing. Her empty gaze at a turned-over lorry, her bitter look at family photos, her refusal to look at her son's toy bulldozer, the death announcement of her husband, all these clues are interspersed into the main plot of solving the Health and Safety case. Since Amparo works from home, the viewers can be forgiven for confusing the private and the public. They have to think fast to interpret the situation and as soon as they sense they learn something about Amparo's past, the film swiftly moves on to a different subplot. This technique of cross-cutting, and alluding rather than explaining, reflects Amparo's own refusal to face her demons. It also means that the film's hermeneutics for a long time do not allow the viewer to interpret Amparo's actions and reactions sympathetically (or even logically). González Sinde denies the viewer a sympathetic character engagement until two thirds into the film. The deliberate choice not to use flashbacks withholds crucial information about Amparo's private story and deprives us of primary character engagement, leaving the viewer anxious, curious

⁶⁴ Lucia (n 9) 68.

and feeling ambivalent. The gap between construal and concern here is our wish for sympathetic engagement with Amparo, using her as a filmic role model of a career woman, and the reality of a broken woman who does not even seem to win the case. Our psychological allegiance with Amparo is a vital part of the film's emotional effect, 'it encourages the viewer to develop deep concerns that lead to an emotional response or emotional distance.'⁶⁵

We become detectives on two fronts: the legal case and Amparo's own bereavement case. We are not particularly surprised at the company's reckless disregard of basic Health and Safety regulations. Equally, we are not surprised when Amparo uncovers wider issues of corruption. In the uncovering of her private moral dilemma, however, we are in for a shock. It transpires fairly early in the film that Amparo lost her husband and son in a car accident. What emerges only two thirds into the film is her own involvement in, and responsibility for, the accident. After a cathartic fight with her father, Amparo confesses that:

The accident was my fault. It was dark, it was late, we were tired and I insisted on driving. I was so fed up, you know, fed up with Julio and with our son, fed up with having to work so much... I was tired and I dropped off at the wheel. It was not the fault of the highway or the curve. There was no lorry. That was a lie...because it was my fault. Only mine. I'm as irresponsible as they [the mining company] are. Worse really.

Her driving whilst overtired resulted in the death of her loved ones. What was dormant before has now manifested itself in her confession. At that moment in time she is defined almost entirely in terms of her failed role as a mother and maternal protector – the clue is *not* in the name anymore. Her father, steadfast and lovingly supportive, absolves her of her guilt: "You had a bad day and bad luck. Those people at the mine do not just get it wrong once. They get it wrong every day to make money." Lucia suggests that in female lawyer films 'the father-daughter dynamic strongly inscribes issues of patriarchy and family ideology',⁶⁶ yet here the father becomes the mediator for his daughter's agency in personal, professional, and ethical terms. As a lawyer she is untainted in our eyes, she is the heroine lawyer fighting for a just cause, although we still lack rounded emotional engagement with her. She is, however, tainted through personal tragedy and her own culpability in the car accident.

The death of a husband is a particularly devastating loss, above all because he died in an accident that was the result of Amparo's negligence. Challenges to overcome the loss are exacerbated by the levels of violence or trauma.⁶⁷ Emotional instability, depression and bitterness are a common consequence. The loss of a son holds even greater risk factors; feelings of guilt, whether legitimate or not, are pervasive. Her anger issues now make sense to the viewer. What is more, as Hall explains:

The experience of loss, particularly if it is sudden and unexpected, can interfere with a bereaved person's ability to rebuild his or her assumptive world, particularly when the death assaults the survivor's notion world that life is predictable or that the universe is

⁶⁵ Plantinga (n 1) 97.

⁶⁶ Lucia (n 9) 69

⁶⁷ Christopher Hall, 'Bereavement Theory: Recent Developments in our Understanding of Grief and Bereavement' (2014) 33.1 *Bereavement Care*, 7.

benign. A bereaved individual may have no mental constructions to help them with the meaning-making process to incorporate the loss into a new worldview.⁶⁸

Somebody like Amparo with a fierce sense of justice – no matter how displaced – might wonder why her son had to die. In fact in the cataclysmic fight with her father she shouts at him that she would have preferred *him* to die rather than her son. The father's death would have been the natural order of things and therefore not a complicated loss. To make matters worse, Amparo also displays symptoms of disenfranchised grief, in other words a loss that cannot be 'openly acknowledged, publicly mourned or socially supported.'⁶⁹ Due to her own negligence and hence responsibility in the loss of her loved ones she is at pains not to 'go there'. In a conversation with her father (while sitting in a car) we find out that she did not even go to her family's funeral, such is her denial, shame and lack of closure.

Individuals who are incapacitated by a prolonged grief disorder suffer from a combination of cognitive, emotional and behavioural symptoms that cause significant failure to function in social and occupational settings.⁷⁰ Her reluctance to engage in meaningful conversations in the *gestoría*, her repressed anger and emotional coldness, her numbness and slackness are all common symptoms. In George Bonanno's four trajectories of grief (resilience, recovery, chronic dysfunction, delayed grief or trauma)⁷¹ Amparo fits neatly into the state of chronic dysfunction, in fact she has been dysfunctional for three years at the beginning of the narrative. She can also be considered an emotional nomad in Susan Berger's sense of the term.⁷² Berger defines five different identity types of grieving. Nomads are characterized by a range of emotions, including denial, anger, and confusion about what to do with their lives. They have not yet resolved their grief. Worse still, they often do not understand how their loss has affected their lives and the lives of others. The film's working title 'Story of an Ostrich in the Sand' reflects the ostrich approach of Amparo's existence. Her father makes her face her demons, both through loving support and by picking a fight. He uses the opportunity of her fit of rage to tell her a few home truths, namely that she needs to start rebuilding her life and to accept professional help. One of the increasingly frequent tropes throughout the film are her visits to her old flat: unbeknownst to the viewer until the final scene, she keeps standing in front of her front door and hesitates to go in. The camera zooms in on a close-up of a pained, depressed face, which then cuts to the next scene of the Health and Safety case. She wants to face her demons, but has difficulty acknowledging the loss has occurred.

Subconsciously drawn to the Health and Safety case to divert from her own pain, Amparo re-visits her past trauma that was not processed before and becomes an activist – another identity type in Berger's theory – which focuses on helping other people who are dealing with the same issues. When Amparo starts fighting for justice, she comes out of her own

⁶⁸ Ibid, 10.

⁶⁹ Hall (n 65) 9.

⁷⁰ Hall (n 65) 11.

⁷¹ George A. Bonanno, and others, 'Resilience to Loss and Chronic Grief: A Prospective Study from Pre-loss to 18 Months Post-loss' (2002) 83 *Journal of Personality and Social Psychology*, 1150

⁷² Berger defines five different identity types of grieving (nomads, memorialists, normalizers, activists, seekers). For further details, see Susan Berger, *The Five Ways We Grieve* (Shambhala Publications 2009).

entrapment in repressed grief. Her temporarily dormant sense of justice is awoken and chimes with that of the deceased's parents. It is also in comparison to Rosa's very different grieving process that Amparo's inability to deal with her own loss manifests itself. Rosa openly mourns for her son Paco, breaks down crying in meetings, and gets angry with her husband and Amparo when both are tired of fighting against the odds. Amparo rationalises her own dysfunctional behaviour by looking down on Rosa's emotional excess. Only towards the end of the film does she learn from Rosa that other forms of mourning are socially acceptable, and more importantly, healthy for the bereaved person. When Rosa calls the out-of-court settlement 'justice of small things' – alluding to a healthy compromise between justice being served and the parents' ability to let go and move on to a new life – the viewer, empathising with Amparo, might feel robbed of their psychic reward of a court case that a fierce sense of justice would demand. Upon reflection, however, we might also empathise with Rosa and Floro's desire to find closure.

Amparo's relationship with Agustín, her much younger Health and Safety expert is equally cathartic. He initiates a fling with her and thus becomes Amparo's first love interest since her husband's death. As another staple of female lawyer films the sexually and emotionally repressed female lawyer has her desires awakened by the male protagonist. Even though the female lawyer's sexuality is always an issue, it never truly is her sexuality – it exists only as a means of questioning her status as a lawyer.⁷³

In a bizarre combination of the private and the professional they have sex in the car while waiting in front of the mine to film more incriminating evidence. We join them after the act, when Amparo opens up for the first time, reflects on her grief and testifies to the viewer:

I always thought that if my son died I would die with him. But my son died and I'm still alive. That's the most surprising thing about death. That you can keep on living. And I can't forgive myself for that. [...] I wish the whole world cried for Julio and my son, and sometimes I don't understand why it doesn't. Why do the bakers get up in the morning and bake bread, why do the cash points give me money, why do the trains arrive on time?

At this moment the private Amparo redeems herself to the viewer through her brutal honesty and self-reflection. Viewers who have gone through similarly traumatic losses will be able to relate to her description of senselessness, denial and self-obsession. The sensitive viewer is faced with realising our judgmental viewing process jumped to conclusions, a pertinent reminder that one cannot judge somebody's life unless one has listened to their story – the very reason of storytelling in law and in film. Amparo has broken her silence and repressed anger. But before we can enjoy this release with her, the conversation gets harshly interrupted by some action in the mine that needs to be filmed and the lovers storm out to collect evidence. The love affair then has a dual function: catharsis as well as doubting her judgment. After an initial reluctance she foolishly falls for Agustín shortly before he breaks off the relationship. His subsequent betrayal, when the mining company's lawyers buy him off through a job offer for his unemployed father, is emotionally painful and professionally careless.

⁷³ Lucia (n 9) 131 and 170.

Conclusion

Compared to the paradigmatic female lawyers in Spanish film history Amparo Vega is in a league of her own. In no other film are the private and the professional so intertwined and so carefully considered. González Sinde's judicious lens, Gopegui's ingenious script and Adriana Ozores sensitive interpretation of a strong and vulnerable woman produce a minor masterpiece. The narrative frames her as 'professionally inadequate and personally unfulfilled'⁷⁴ and yet this lawyer of the new millennium wins two important battles.

Professionally, the lone female lawyer has won against the male establishment of corporate lawyers and thus becomes the heroine of the socially disadvantaged, not to mention the fact that she uncovers corruption in the public and private sectors. As such the film falls neatly into the genre conventions and represents a lawyer who rebels against patriarchal authority. Personally, she has worked through her repressed grief and starts living again. We witness her emotional journey from repression and unresolved grief – over anger and confusion – to the first signs of acceptance by the end of the film. In Berger's bereavement-theory terms she goes from nomad to activist, from mindlessly roving around to determined support for the underprivileged. Her quest for social justice results in the re-discovery of her professional and personal identity. She remembers why she wanted to be a lawyer in the first place and renews her professional zeal to give a voice to the voiceless. It also brings to the fore her own moral dilemmas and demons, and allows her to work through the differences between her own personal negligence and the mining company's capitalist recklessness. Amparo has worked through her guilt and hence we get a certain elevation from the moral betterment of the protagonist. By deciding to live again she gives us the hope that she will fully integrate in her family and wider society again – one of the most basic paradigm scenarios. The ending could be read as being more about Amparo than about the case or the wider issue of justice. While the Health and Safety case reinstates her as a lawyer, the modelled letting-go of grief gives her her life back. Losing her family disconnected Amparo from her sense of self and this 'can set in train an effortful process of not only re-learning ourselves but also the world. For many the desire to "make sense" and "find meaning" in the wake of loss is central.'⁷⁵ The film ends with her visiting the abandoned family home, opening the shutters, letting in light and assuming her 'share of responsibility in her own mental health.'⁷⁶ Part of the accomplishment then is that complex emotions result in a bittersweet resolution, moving from fear, suspense, anger and disgust into relief and feelings of well-being. If 'humans benefit from an imaginative rehearsal of various human predicaments', we have learnt a lot through engagement with the narrative.⁷⁷ However, even when uncovering corruption and winning an out-of-court settlement, Amparo is denied the ultimate victory (and satisfaction) of putting the corporation on trial. Her clients do not want her to go to court, they are happy with the settlement which enables them to move away and start a new life. The ending is bittersweet for the viewer, since we are left feeling that corruption will carry on. The director's own reading tries to rescue the film from such a gloomy interpretation. It points to the hope of a better future and the rule of law that the Spanish hero lawyer once stood for ('an ending

⁷⁴ Ibid, 68.

⁷⁵ Hall (n 65) 7.

⁷⁶ Cruz (n 2) 162.

⁷⁷ Plantinga (n 1) 31.

where despite failure there is a small glimmer of hope').⁷⁸ *Sleeping Luck* does highlight the power of the legal process in its capacity to uncover corruption and create 'justice of small things'. Although the ending is ambiguous, the film implies a new beginning for all grieving parents (Rosa, Floro, Amparo). Even when endings are not entirely positive for the protagonist they offer 'some type of psychic reward for the viewer, whether intellectual, moral, or emotional.'⁷⁹ Amparo cannot be considered an epithet of a powerful career woman, and yet for the female viewer, who perhaps fluctuates between thoughtful ambivalence and genuine pleasure in the female lawyer's empowerment, this film represents an admirable consideration of the complexities and tensions between personal and professional morality.

⁷⁸ Cruz (n 2) 162.

⁷⁹ Plantinga (n 1) 34.